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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,739	01/26/2004	John Clemens Ellis		7681

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JOHN CLEMENS ELLIS
45958 DUCHESS DRIVE
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EXAMINER

PLUCINSKI, JAMISUE A

ART UNIT	PAPER NUMBER
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3629

MAIL DATE	DELIVERY MODE
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01/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/763,739

Applicant(s)

ELLIS ET AL.

Examiner

Jamisue A. Plucinski

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 8 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claims 8 and 16 recite the limitation "said assignment list" in line 3. There is insufficient antecedent basis for this limitation in the claim. These claims are directly dependent on the Independent claims, which do not state the use of an assignment list.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Mason et al. (US 2005/0001720).

6. With respect to Claims 1, 10 and 18: Mason discloses the use of a computer-readable medium containing a program for personnel accountability recording and a method (See abstract) for use with firefighters being emergency personnel, comprising steps including:

- a. initiating an incident clock wherein said incident clock obtains a scene value time from a system clock that sequentially inscribes a plurality of time-stamps in a forward-linear manner (see abstract and Paragraphs 0082, 0106 and 0118);
- b. displaying a personnel list of a plurality of personnel (Paragraphs 0040 and 0042);
- c. associating at least one event with at least one time-stamp (Paragraph 0118 and 0112);
- d. providing at least one single-purpose emergency buttons (Paragraphs 0047, 0066, 0080 and 0119);
- e. assigning to at least one recording list at least one of said time-stamps to at least one of said events whereby said event contains at least one of said personnel from said personnel list (Paragraph 0042 and 0118); and
- f. reporting at least one of said recording lists (paragraph 0080, 0090 and 0096).

7. With respect to Claim 2: See Paragraphs 0035 and 0123.

8. With respect to Claims 3 and 11: See Paragraph 0036.

9. With respect to Claims 4, 12 and 19: See Paragraph 0042.

10. With respect to Claims 5 and 13: See Paragraphs 0031 and 0038.

11. With respect to Claims 6 and 14: See Paragraphs 0031, 0118 and 0122.

12. With respect to Claims 7 and 15: See Paragraphs 0115 and 0119.

13. With respect to Claims 8 and 16: See Paragraphs 0118 and 0122.

14. With respect to Claims 9, 17 and 20: See Paragraphs 0056, 0061 and 0062.

15. It should be noted that the Mason reference is a CIP of Patent 7,034,678, which was filed in March of 2003. All limitations which are present in the CIP and not in the parent case, can be found in the provisional application 60/455,139 which was filed in the year 2003 as well.

Therefore all information relied on in the Rejection above, can be found in the above mentioned supporting documents and therefore the elements relied on in the Mason reference for the rejection are supported back to the 2003 reference.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Navab (US 2003/0135324) discloses the use of tracking emergency workers within a building, Boone et al. (US 2002/0024507) discloses the use of an accountability device used in emergencies, Tealdi et al. (US 2004/0185882) discloses the use of tracking radios of firefighters, Impson et al. (US 2004/0023635) discloses the use of a system which manages stations for firefighters, and Hamrick et al. (US 2006/0253252) disclose the use of monitoring and dispatching emergency vehicles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Plucinski whose telephone number is (571) 272-6811. The examiner can normally be reached on M-Th (5:30 - 4:00).

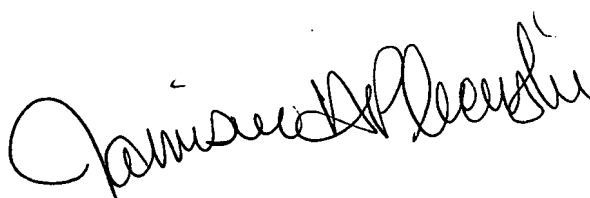
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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JAMISUE PLUCINSKI
PRIMARILY EXAMINER